



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/491,787	01/26/2000	Andrew T Wilson	INTL-0317-US (P8000)	9051

7590 10/05/2006

Blakely Sokoloff Taylor & Zafman, LLP
1279 Oakmead Parkway
Sunnyvale, CA 94085-4040

EXAMINER

BOCCIO, VINCENT F

ART UNIT	PAPER NUMBER
----------	--------------

2621

DATE MAILED: 10/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/491,787

Applicant(s)

WILSON ET AL.

Examiner

Vincent F. Boccio

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on RCE & Amendment of 7/21/06.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 January 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2621

DETAILED ACTION

The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 2621.

Response to Arguments

1. Applicant's arguments with respect to amended language of claims 1-30 have been considered, but are not persuasive against the prior art, please refer to detailed rejection below, in view of the significant amended language.

Claim Objections

2. Claim 30 is objected to because of the following informalities:

Claim 30, line 2, "time ocdes", the examiner suggests, "time codes".

Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-3, 7-13, 17-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mankovitz (WO 98/48566) in view of Butler (US 2002/0007493).

Art Unit: 2621

Regarding claims 1-2, 7-12, 17-30, the examiner incorporates by reference the detailed actions against the claims and will address the amended claims with respect to the added claim language with respect to arguments presented.

All independent claims 1, 11, 21, 27, 29 have been amended to further recite,

- AT LEAST ONE IDENTIFIER (URL);
- AUTOMATICALLY STORING A COPY OF THE ASSOCIATED WEB CONTENT DURING SAID BROADCAST (AFTER SELECTING THE PRI OF MANKOVITZ THIS STEP IS MET BY STORING THE VIDEO INCLUDING THE URLS, WHICH ON PLAYBACK ALREADY CACHED/STROED, ARE AUTOMATICALLY AVAILABLE BY BEING STORED BY SELECING DURING THE BROADCAST ALSO READS AS IN VIEW OF SELECTING PRI WHICH CAUSES AN AUTOMATIC STORAGE OR RECORDING OF LATER VIDEO WITH URLS, ALSO BUTLER TEACHES STORING FOR LATER USE), therefore, is at least obvious to later use what is stored earlier in view of Butler;
- ALLOWING ARBITRAY ACCESS (PLAYBACK WITH URLS);
- THE COPY REAMINING ACCESSIBLE EVEN IF SAID ASSOCIATED WEB CONENT IS UNAVAILABLE (BROADCAST ENDED, WHICH HAS VIDEO AND URLS RECORDED IN VIEW OF THE PAUSE, BECAUSE IT IS RECORDED WITH THE URLS);
- STORING AT LEAST A PORTION (IN VIEW OF PAUSING TRIGGERRS STORING OF VIDEO AND URLS AT A POINT NOT CORRESPONDING TO THE BEGINNING BUT A PORTION RAHTER THAN THE WHOLE VIDEO PROGRAM WITH ALL URL LINKS)
- STORING CORRESPONDING ENHANCED CONENT INFORATION (CACHING WEB PAGES, ALSO Butler also allows for caching the night before), While Mankovitz caches after selecting a PRI/PRIs.

The examiner takes official notice based on the interpretation that WEB content is not known to be available forever, therefore, further obvious that if the associated WEB content is interpreted to be WEB pages, it is known that there exist a WAYBACK SITE, available to go to first and search for old content or content removed, which the address is not valid (URL), but, can be searched at a site to locate content not available with the original address, as is well known to those skilled in the art.

Art Unit: 2621

Mankovitz is deemed to pull the web content upon the user selecting the PRI, but, does not specifically mention subsequent arbitrary access at a later time without downloading again or sometimes referred to as caching or to cache, in this case for later use or arbitrary.

Butler at page 5, teaches the concept of having control data such as timing parameters col. 1, hyperlink overlays in relation to the video and

"Note that supplemental files are sent prior to the time they will be needed, taking data transmission speed into account", "HTML compatible browser, to render the object defined by the supplemental data file", while col. 2, states,

"Also note that even with broadcast sources, the transmission of supplemental data files does not have to take place concurrently with transmission of video streams. Rather, in some systems it might be desirable to broadcast overlays files during the night to user equipment for use the following day", reference Fig. 5, "HTML FILES and Control Files", or control data, overlays and supplemental files, therefore, storage of the web content, can be done the night before, depending upon the systems of implementation, wherein as those skilled in the art realize, based on taking transmission speed into account, infers to latency and as those skilled in the art realize by storage of web content, the content would not be required to be downloaded every time interacted with, would speed rendering by eliminating the need to access the WEB for the content, but, merely pulling from storage, as is obvious to those skilled in the art, thereby having arbitrary access after storage, such as the next day, as taught by Butler.

Therefore, it would have been obvious to one skilled in the art at the time of the invention to modify Mankovitz by downloading or storing a copy of the web content, after the broadcast, allowing for utilization or arbitrary access, rather than having to pull every time the user interacts with a URL link, thereby the WEB content can be pulled from storage, thereby eliminating delays or other access issues to the web content, at later times, as taught by Butler.

The examiner incorporates by reference the rejection of claim 26, since the claims are original.

Art Unit: 2621

CLAIM 3 as amended said associated web content changes during the broadcast (reads on a series of different URLs during the broadcast met by the references, there is more than one URL during the duration of the of the broadcast video program, for ACTUAL WEB PAGE CONTENT.

Regarding claim 13, also reads on the applied art, wherein the associated WEB content changes during the broadcast met by a series of URLs and the instructions for performing the automatic storing a copy including the instruction for storing the changes to the associated web content so said changes are accessible during the subsequent playback (series of URLs or PRIs) or recording the video with the series of URLs in the video material.

Regarding claim 21, without having to interact with the content, read on YES one can select the ADDRESS LINK URL, but, after that one does not have to interact with the WEB page ITSELF, as claimed.

Regarding claim 30, based on the prior art, synchronization based on time codes, is obvious in view of Butler having a time-URL table (page 4 col. 2, Butler).

Therefore, it would have been obvious to those skilled in the art, that synchronization can be done with a time-address table as taught by Butler, to trigger for example PRI or URL ICONs to pull content, as taught by Butler.

5. Claims 4-6 and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mankovitz (WO 98/48566) and Butler (US 2002/0007493) in view of Blackketter (6,414,438).

Regarding claims 4-5, CONVERTING by A/D converter and including compression (see page 4, Mankovitz, "08/388345, RUSSO, fully incorporated by reference", Russo 5,701,383, ABSTRACT, "compression and storage, therefore digital packets", etc.....)
storing the associated WEB content (VIDEO in digital for compressed, in accord to RUSSO), wherein in accord to the previous rejection Butler teaching wherein times codes to facilitate synchronizing a current state of the WEB content with the playback after storage of the video, storing a trigger table associated with stream time triggers, or a time trigger table (Butler), wherein not all frames have URLs therefore a subset of the video or associated WEB content, wherein the time codes are

Art Unit: 2621

associated with each packet of the packetized web content, reads on the table having time codes and associated URL for the actual WEB content normally in at least HTML type packetized INTERNET DATA.

Regarding claim 6, determining a data packet sequence (playback and user interaction), each of the packets in a sequence derived from at least one packet of the video information (associated time information in the video stream in packetized form against the URL_TIME-TABLE) and at least one corresponding packet of the packetized web content (WEB PAGE DATA IS ALSO DIGITAL AND PACKETIZED).

Claims 14-16 are analyzed and discussed with respect to the claims above, such as claims 4-6.

On an alternative rejection and interpretation, based on page 11, basically states that the art fails to disclose teach or suggest, "automatically (e.g. without user interaction or intervention)" storing a copy of the WEB content. The examiner invokes, another new grounds of rejection below.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims 1-30 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

There is no disclose or support for the interpretation and claims for storing "automatically" (e.g. without user interaction or intervention), storing a copy of the WEB content.

The cited areas cited in the arguments page 17, which basically discloses that if the WEB PAGES associated with URLS was previously downloaded by user interaction, they are

Art Unit: 2621

available for later use, in reality does not support the current claims and arguments associated with the wording automatic.

Drawings

8. The subject matter of this application admits of illustration by a drawing to facilitate understanding of the invention. Applicant is required to furnish a drawing under 37 CFR 1.81(c). No new matter may be introduced in the required drawing. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d).

Figs. 2 nor Fig. 4, do not support the claims.

In view of claims 2 & 4, there is recording but, no step of how it starts, but the block is just there with no support of how it does start.

The examiner requires drawings, if not new matter to support the current claims.

In the prior art, recording can be said to be automatic, but is based on user selection of PRI, but, not a recording button, but, triggered in view of selecting PRI or URL internet address ICON or selector, but not a recording button, therefore, automatic but, based on interaction from a user, or automatically triggered by something such as the user selecting PRI of Mankovitz, but not a recording button.

At best from what the examiner has read in the original specification is that the WEB content after downloading is automatically available for later user, but, first was triggered by the user previously, which is deemed obvious over Butler storing content the night before, for later use.


Contact Fax Information

Any response to this action should be faxed to:
(703) 872-9306, (for communication intended for entry)

Contact Information

Any inquiry concerning this communication or earlier communications should be directed to the examiner of record, Monday-Tuesday & Thursday-Friday, 8:00 AM to 5:00 PM Vincent F. Boccio (571) 272-7373.

Primary Examiner, Boccio, Vincent
9/30/06


VINCENT BOCCIO
PRIMARY EXAMINER